



Response Under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 2600

PATENT
ATTORNEY DOCKET NO. 046601-5056

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	Confirmation No. 5381
Hiroyuki SAYUDA)	
)	Group Art Unit: 2625
Application No.: 09/629,464)	
)	Examiner: J. Thompson
Filed: July 31, 2000)	
)	
For: IMAGE PROCESSING APPARATUS)	Mail Stop AF
AND IMAGE FORMING MEDIUM)	

The Commissioner for Patents
U.S. Patent and Trademark Office
Mail Stop AF
Alexandria, VA 22314

**NOTICE OF APPEAL TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated August 2, 2007, the period for response to which extends through November 2, 2007, finally rejecting claims 25-35. A pre-appeal brief request for review is filed concurrently herewith.

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3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 470.00	\$ 230.00
<input type="checkbox"/> three months	\$ 1,050.00	\$ 525.00
<input type="checkbox"/> four months	\$ 1,640.00	\$ 820.00

Extension of time fee due with this request: \$ 0.00.

☒ If an additional extension of time is required, please consider this a Petition therefor.

2. **Notice of Appeal Fee – 37 C.F.R. § 41.20 (b)**

☐ The fee in the amount of \$510.00 to cover the appeal fee is enclosed.

☒ The Commissioner is hereby authorized to charge the Notice of Appeal fee to Deposit Account No. 50-0310. The amount is \$510.00.

3. **Fee Total(s):**

☒ The Notice of Appeal Fee Under 37 C.F.R. § 1.17(b) \$510.00, is being charged to Deposit Account No. 50-0310.

4. **Constructive Petition**

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: October 31, 2007

By: 

Sumiyo Onda

Reg. No. L0289

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